

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 6581 of 2004

Between:

Maharashtra Apex Corporation Limited, Registered Office: Syndicate
House, Upendranagar, Manipal- 576 119, Udipi District, Karnataka State,
Rep. by its Branch Manager Sri S.K.Satyamurthy, S/o Sri S.K.Gundu Rao.

..... PETITIONER

AND

- 1 Central Crime Station, rep.by Dy.Commissioner of Police,
Police Control Room, Basheerbagh, Hyderabad.
- 2 C.Pandit Rao,
R/o 10-3-85/4, East Marredpally, Secunderabad - 500 026
- 3 J.Ganapathi Sastri,
R/o 10-1-547, (TIT Block), West Marredpally, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the
circumstances stated in the Affidavit filed herein the High Court will be pleased to
issue an appropriate Writ, Order or direction, one in the nature of Mandamus,
declaring the action of the 1st respondent in continuing the investigation in Crime
No.519/2002 dated 11-10-02 without leave of the Hon'ble High Court of Karnataka
in the proceedings i.e.C.P.No.37/2003 is illegal, arbitrary and against the rule of law.

Counsel for the Petitioner:MR.C.MALLAREDDY

Counsel for the Respondent No.1: GP FOR HOME

Counsel for the Respondent Nos.2 and 3: Mr.G.ANANDAM

The Court made the following :

ORDER:-

Heard the learned Senior counsel Sri C. Mallareddy, appearing on behalf of Sri D.
Gopalakrishna, for the petitioner and learned Government Pleader for Home on

behalf of the respondent No.1 and Sri G. Anandam, learned counsel for respondents 2 and 3.

Petitioner herein seeks writ of Mandamus to declare the action of first respondent in continuing the investigation in Crime No.519 of 2002 dated 10-10-2002 without obtaining leave of the Karnataka High Court having regard to the pendency of proceedings therein in C.P.No.37 of 2002 as illegal.

Sri C. Mallareddy, learned Senior Counsel vehemently argued that this writ petition is not maintainable in this Court.

Having heard the learned counsel on either side across the Bar at length and also in view of the fact that substantial proceedings are pending before the Karnataka High Court and the main grievance of the petitioner is that without leave of that Court, no proceedings can be initiated against the petitioner elsewhere in India, I am of the view that the petitioner has to approach the very same Court where proceedings C.P.No.37 of 2003 are pending and obtain orders rather than in this Court.

Accordingly, this writ petition is dismissed with liberty to the petitioner to avail the remedy available to it before the High Court of Karnataka. No costs.

2—09—2004.

Stv/-

Note: Issue C.C.in three days.

(B.O)

C.M.

To

1 Central Crime Station, rep.by Dy.Commissioner of Police,
Police Control Room, Basheerbagh, Hyderabad

2 2CCs to the Government Pleader for Home, High Court Buildings, Hyderabad.

3 2CD copies.

